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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/559, 469 04/26/00 KUDO

S 059040

EXAMINER

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NGUYEN, B

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

05/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/559,469	KUDO, SHINICHI	
	Examiner Binh-An D Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 April 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: \_\_\_\_\_

## DETAILED ACTION

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Numeral 302 in Figures 3-7 has not been disclosed in the specification. Correction is required.
  
2. The disclosure is objected to because of the following informalities:  
On page 9, line 4, the periods “..” should be changed to “.”  
Appropriate correction is required.
  
3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, the recited terms “the image display program” (lines 1-2), “said player character” (line 4), “the player character” (line 6), “said non-player characters” (line 7), and “said background images” (line 8) lack antecedent basis.

In claim 8, the recited terms “the image display program” (lines 1-2), “said player character” (line 4), “the player character” (line 6), “said non-player characters” (line 7), “said background images” (line 8), and “the changing of” (line 9) lack antecedent basis.

In claim 9, the recited terms "the image display program" (line 1), "said player character" (line 5), "the player character" (line 7), "said non-player characters" (line 8), "said background images" (line 9), and "the changing of" (line 10) lack antecedent basis.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieder (5,769,718).

Rieder teaches a video game device and method comprising an image of a player character, images of non-player characters (antagonist characters), and background images; predetermining a plurality of operational modes which are assigned to player character (fighting mode, moving mode, etc.), and preparing an image corresponding to each operational mode; displaying an image of the player character corresponding to any one of plurality of operational modes and images of non-player characters, simultaneously with any one of the background images (Fig. 6); the image of the player character is an image displaying the player character in a state where it is carrying a weapon; a moving mode representing a state wherein the character moves while carrying the weapon (Fig. 5). See Figures 4-8 and columns 2:11-5 and 5-8.

Regarding the limitations of restricting the changing of the background images from the start until completion of an operational mode; information relating to

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background images is determined on the basis of the video RAM capacity of the video device; the image of the player character is an image displaying the player character in a state where it is carrying a weapon; a fighting mode representing a state wherein the player character is able to fight using the weapon; and a moving mode representing a state wherein the character moves while carrying the weapon, these limitations are notoriously well known in the gaming industry, e.g., in Street Fighter a particular background (stage) is displayed while characters are fighting.

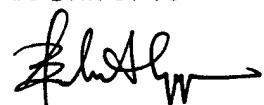
Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieder's video game device and method, using basic design principles of controlling images in video combat games, to come up with a better video game device and method which has a faster process for image generating.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3580 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Binh-An D Nguyen  
Examiner  
Art Unit 3713



BN  
May 4, 2001



JESSICA J. HARRISON  
PRIMARY EXAMINER